

## **REMARKS**

In an Office Action mailed October 24, 2006, all currently pending claims (claims 1-13, 17-19, 26-34 and 42-52) were subject to a restriction requirement under 35 U.S.C. § 121. Applicants respectfully traverse and request reconsideration.

Claims 1-13, 17-19, 26-34 and 42-52 have been subjected to a restriction requirement under 35 U.S.C. § 121 and M.P.E.P. § 806.05(d) as being directed to two separate subcombinations. In particular, it is alleged that claims 1-13 and 30-34 are directed to a first invention classified in class 709, subclass 206, and that claims 17-19, 26-29 and 42-52 are directed to a second invention classified in class 709, subclass 223, each invention comprising a subcombination “disclosed as usable together in a single combination.”

As an initial matter, as noted in M.P.E.P. § 806.05(d), restriction between subcombinations are permissible where the alleged subcombinations do not overlap in scope. However, simple examination of the two groups of claims illustrates that the alleged subcombination do, in fact, overlap in scope, e.g., both groups recite limitations of event tables and rule execution components.

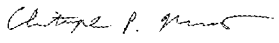
Furthermore, Applicants note that the currently-pending restriction requirement contradicts the previous restriction requirement dated July 26, 2005, which restriction requirement lead to the currently-pending configuration of elected claims. Indeed, the restriction requirement of July 26, 2005 was well-considered in that it was a regrouped restriction in light of Applicants’ comments to a prior restriction requirement dated March 22, 2005. Applicants acknowledge the instruction of M.P.E.P. § 811.02 granting Examiner discretion in issuing new restriction requirements at any point during prosecution. However, such new restriction requirements are still subject to the requirements of M.P.E.P § 803(I), which states that a proper

restriction requirement must satisfy two criteria: that “[t]he inventions must be independent . . . or distinct as claimed” and that “[t]here would be a serious burden on the examiner if restriction is not required.” Any asserted independence or distinctness is contradicted by the overlapping subject matter as described above, thereby failing to satisfy the first criteria. Additionally, and perhaps more evident from the text of the current Office Action, there has been no showing whatsoever that “a serious burden on the examiner” would result from failure to require restriction. The most objective evidence of this utter lack of a serious burden is the fact that, in the period since the July 26, 2005 restriction requirement, no less than two substantive Office Actions have been provided by the Office and responses thereto filed by Applicants. Indeed, one of the two substantive Office Actions came after amendment of the claims, which claims have not been subsequently amended. Collectively, these two substantive Office Actions clearly demonstrate that no serious burden was placed on Examiner at the time of the two substantive Office Actions, nor has condition of the instant application changed as to present such a serious burden now. In summary, to the extent that the instant Office Action fails to establish that a serious burden will be placed on Examiner absent restriction, the current restriction requirement is improper and should be withdrawn.

Notwithstanding the above, in order to comply with the restriction requirement, Applicant elects Group I (claims 1-13 and 30-34) readable thereon in the event that the restriction requirement is maintained.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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Date: November 14, 2006

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